

Applicants believe no additional fee is due for submission of this amendment. However, should the U.S. Patent and Trademark Office determine that a fee is due, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

IN THE CLAIMS

A marked-up version of the claims showing the amendment is attached hereto as Exhibit A. Matter that has been added is indicated by underlining.

Please amend claim 14 to read as follows:

14. (Amended) An isolated polynucleotide of at least about 60 nucleotides capable of hybridizing to a polynucleotide of Claim 3 or 10 under high stringency conditions, said conditions comprising incubating at 65°C in 0.5M NaHPO₄, 7% sodium dodecyl sulfate (SDS), 1mM EDTA and washing at 68°C in 0.1xSSC and 0.1% SDS.

REMARKS

Claims 3, 10, 11, 12, 13, and 14 are pending in the instant application. Applicants submit that Claim 14 has been amended to particular point out and distinctly claim the subject matter which the inventors regard as the invention. The amendments are fully supported by the specification and claims as originally filed. The Examiner stated in the Advisory Action dated June 10, 2002 that the proposed amendment to claim 14 raises new issues including new matter as the conditions have not been found in the section pointed to nor in surrounding pages. Applicants submit that the amended claim is supported, *inter alia*, at page 12, lines 6-10 of the substitute specification submitted along with the Amendment filed May 21, 2001; and page 13, line 29 to page 14, line 3 of the original specification filed October 27, 1999, and do not, therefore, constitute new matter.

Applicants submit that the amendments made herein place the claims in condition for allowance, or at a minimum, narrow the outstanding issues and place the claims in better condition for appeal. As such, entry of the amendments is proper and Applicants respectfully request entry of the amendments and remarks made herein into the file history of the instant application.